

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: DARRELL ROSS

)

OEIG Case # 10-00134

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and "any other information it believes should not be made public." 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report's factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission ("Commission") received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor's Executive Inspector General and to Darrell Ross at his last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission's determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. Allegation and Background

The Office of Executive Inspector General ("OEIG") received a complaint alleging that former Western Illinois University ("WIU" or "University") professor Darrell Ross used State resources to compose a letter to the editor soliciting votes on behalf of a campaign for elective office.

Darrell Ross is the former Director of the WIU School of Law Enforcement and Justice Administration. In that position, he taught classes, handled various administrative matters, and supervised professors. Dr. Ross left State service on July 1, 2010 to take a position at Valdosta

State University in Georgia. William Poncin was a WIU Professor of Criminal Justice until he left WIU to campaign for Circuit Court Judge in McDonough County.

II. Investigation

A. Review of Darrell Ross's Letter to the Editor

OEIG investigators reviewed a letter to the editor written by Darrell Ross that was published in the January 26, 2010 edition of the McDonough County Voice ("the Voice"), a local newspaper. The letter was titled "[Law Enforcement] Professor says Poncin has judicial qualities" and included references to Dr. Ross's background as a criminal justice professor and William Poncin's experience as a State's Attorney. The letter concluded that Dr. Ross "would encourage you to vote for Mr. Bill Poncin for Ninth Judicial Circuit Court Judge in McDonough County." The article was signed "Dr. Darrell Ross, Professor and Director, School of Law Enforcement and Justice Administration."

B. Review of Darrell Ross's University Email Archive

The OEIG obtained and reviewed copies of Dr. Ross's University email archive. The analysis of Dr. Ross's email activity disclosed an exchange with Mr. Poncin pertaining to Dr. Ross's editorial. On January 25, 2010, Dr. Ross used his University email account to send Mr. Poncin "the letter [Mr. Poncin] requested." That email was sent to Mr. Poncin's University email address. Dr. Ross included his editorial as an attachment to the email. Mr. Poncin responded the same day from the email address [redacted campaign email address]. In that message, Mr. Poncin thanked Dr. Ross for the letter and noted revisions he made to ensure the letter complied with the Voice's word limit.

C. Interview of Darrell Ross

On July 22, 2010, OEIG investigators interviewed Darrell Ross. During the interview, Dr. Ross said that he composed a letter supporting Mr. Poncin's campaign for Circuit Judge that was published in the Voice. According to Dr. Ross, Mr. Poncin approached him and requested that he write the letter. Dr. Ross said he wrote the letter at home on his personal computer. Dr. Ross also said that he used his University email account to send Mr. Poncin a draft of the endorsement letter in January 2010.

D. Investigative Activity Following Darrell Ross's Interview

On September 10, 2010, OEIG investigators interviewed William Poncin. During the interview, Mr. Poncin said that he requested that Dr. Ross write a letter to the Voice in support of his campaign for Circuit Judge. Mr. Poncin noted that, after he made the request, Dr. Ross sent an email to his (Mr. Poncin's) University email account with a copy of the letter attached. Mr. Poncin said he edited the letter at home on his personal computer to include, among other things, Dr. Ross's official title. He then returned the revised letter to Dr. Ross from his personal email account before he delivered the editorial to the Voice for publication.

III. Analysis

The State Officials and Employees Ethics Act (“Ethics Act”) prohibits State employees from intentionally misappropriating State resources by engaging in prohibited political activity for the benefit of any campaign for elective office. 5 ILCS 430/5-15(a). Pursuant to 5 ILCS 430/1-5, “prohibited political activity” is defined as, among other things, “[s]oliciting votes on behalf of a candidate for elective office.” This section defines “campaign for elective office” to include any activity in furtherance of an effort to influence the election of any individual to any federal, State, or local public office. 5 ILCS 430/1-5.

Darrell Ross violated the Ethics Act by using his University email account to send a letter to the editor soliciting votes on behalf of Mr. Poncin’s campaign for Circuit Court Judge. Circuit Court Judge is a local public office that is subject to public election. The letter to the editor that Dr. Ross wrote was intended to solicit votes on behalf of Mr. Poncin. The letter concludes, “I would encourage you to vote for Mr. Bill Poncin for Ninth Judicial Circuit Court Judge in McDonough County.” Dr. Ross admitted that he used his University email account, a State resource, to forward the letter to the editor to Mr. Poncin for review. Thus, the allegation that Dr. Ross violated the Ethics Act by misappropriating his University email account for the benefit of a campaign for elective office is **FOUNDED**.

IV. Recommendations

Following due investigation, the OEIG issues this finding:

➤ **FOUNDED** –Darrell Ross misappropriated his University email account by engaging in prohibited political activity for the benefit of William Poncin’s campaign for elective office in violation of the Ethics Act.

The OEIG recognizes that Darrell Ross has left State employment. Should he be rehired, the OEIG recommends that he be counseled against the use of State resources for prohibited political activity.

Under the circumstances, the OEIG will not request the Illinois Attorney General to file a complaint against Dr. Ross with the Illinois Executive Ethics Commission.

No further investigative action is warranted and this case is considered closed.

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Darrell Ross) 10-00134

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

X Below is my public response. Please make this response public if the summary report is also made public; or

 Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

[signed]
Respondent's Signature

8/22/11
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

*Darrell L. Ross, Ph.D.
5065 Planters Crossing
Hahira, GA 31632*

August 22, 2011

Mr. Chad D. Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street
513 William Stratton Building
Springfield, IL 62706

RE: Darrell Ross matter: No. 10-00134

Dear Mr. Fornoff:

I write this letter in response to your letter dated August 8, 2011 concerning the above cited case. In the event that the Executive Ethics Commission elects to make the summary report attached to your letter public, I request that this letter be considered as my response which shall also be made public.

I have spent my career in higher education in the fields of criminology, law enforcement, and justice administration. For four years I served as the Director of the School of Law Enforcement and Justice Administration at Western Illinois University.

I have never been involved in partisan political activities. I have never run for political office nor actively supported the candidacy of any individual running for public office either financially or otherwise.

Through my association with the University I met William Poncin. Mr. Poncin, a retired States Attorney, served on the faculty in the School while I was the Director and we became professional colleagues and friends.

In 2009 I became aware that Mr. Poncin was a candidate for elective office as a Circuit Judge of McDonough County, IL. I did not contribute financially to Mr. Poncin's campaign and engaged in no activities on behalf of his campaign other than as stated in this letter.

Through my acquaintance with Mr. Poncin, I developed an admiration for him both as a faculty member, lawyer, and individual. I believed that he had the intellect, integrity, and fairness, and independence of thought to be a good judge.

In January of 2010, Mr. Poncin asked me if I would write a letter in support of his candidacy for judgeship. He desired to send it as a letter to the editor. I readily agreed for reasons previously identified. I felt good citizenship warranted my preparation of the letter. The letter truly represented my feelings about Mr. Poncin and his candidacy.

I composed the letter on my own personal time and on my own personal computer. The letter I drafted did not identify my position at the University. I brought the letter to work intending to deliver it to Mr. Poncin. On that day, however, he was away from the office. In order to get the

letter off of my desk and into Mr. Poncin's hands, I emailed the letter to him using the University's email system. My use of the University's email system was the only connection on my part between Mr. Poncin and the University. I have no recollection of ever receiving a draft of the letter from Mr. Poncin. If I did I did not review it.

At the time that I transmitted the letter to Mr. Poncin, I simply did not think about the propriety of using the University's email system for that purpose. My mind was elsewhere. I am mindful that a public University is expected to maintain a position of neutrality with respect to political campaign activities. I did not intend through the use of the email system to involve the University one way or another in a political activity. I simply was not thinking about the connection between the University and Mr. Poncin's campaign when I used the state email system, I regret this and apologize for my lack of attention.

It was not my intent to make use of state resources to further the candidacy of Mr. Poncin. To the contrary, I took care to write the letter at home using my personal resources, and to avoid identifying in the letter my affiliation with the University. As explained above, my use of the University email system to transmit the draft letter to Mr. Poncin, was done quickly and without thought on a day that he was out of the office.

Sincerely,


Darrell Ross